

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MOHAMED BARY,

Docket No. CV 02 5202

Plaintiff,

(Trager, J.)

-against-

DELTA AIR LINES, INC.,

STATEMENT PURSUANT
TO LOCAL RULE 56.1

Defendant.

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Defendant, Delta Air Lines, Inc., ("Delta"), by its attorneys, Gallagher Gosseen Faller & Crowley, pursuant to Rule 56.1 of the Local Rules of the Eastern District of New York, sets forth the following statement of material facts as to which defendants contend there is no genuine issue to be tried.

1. On November 8, 2001, plaintiff Mohamed Bary was a ticketed passenger for Delta Flight 405 (LaGuardia Airport to Cleveland), with connection on Delta Flight 1497 (Cleveland to Denver).
2. On November 8, 2001, plaintiff Mohammed Bary was transported from LaGuardia to Denver on board Delta flights 405 and 1497.
3. Plaintiff Mohammed Bary traveled to Denver for purposes of attending a trade show.

4. Plaintiff Mohammed Bary was the owner and sole proprietor of Bary Gems, Inc.

5. Plaintiff Mohammed Bary was born in Sri Lanka in 1962 and he moved to the United States in September 2000.

6. For approximately seven or eight years prior to moving to the United States, and at times subsequent thereto including November 8, 2001, plaintiff Mohamed Bary sold jewels and stones in the United States that he obtained from vendors in Sri Lanka.

7. Delta is an air carrier engaged in domestic and international air transportation.

8. On November 8, 2001, Delta operated in accordance with a federal security screening program.

9. On November 8, 2001, Delta's domestic tariff limited claims for lost items and luggage to \$2,500.00.

Dated: Garden City, New York
September 5, 2008

GALLAGHER GOSSEEN
FALLER & CROWLEY

By:


MICHAEL J. CROWLEY (MC/2821)
BRIAN P. MORRISSEY (BPM/1699)
A Partner with the Firm
Attorneys for the Defendant
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(516) 742-2500

TO: **Sanjay Choubey, Esq.**
LAW OFFICE OF SANJAY CHAUBEY
Attorney for Plaintiff
Empire State Building
350 Fifth Avenue, Ste. 5013
New York, NY 10118
(212) 563-3223
Attorney I.D. No. (SC-3241)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

Kristin Cooper, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at Glen Oaks, New York.

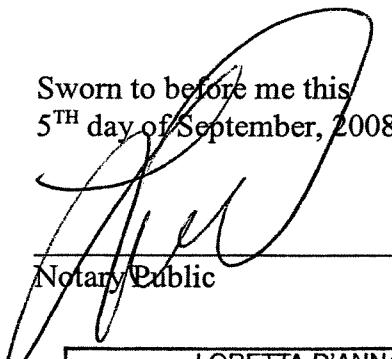
On September 5, 2008, deponent served the within **STATEMENT PURSUANT TO LOCAL RULE 56.1** upon:

Sanjay Chaubey, Esq.
Law Office of Sanjay Chaubey
Attorney for Plaintiff
Empire State Building
350 Fifth Avenue, Ste. 5013
New York, NY 10118

being the addresses designated by said attorneys/parties for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in a post office official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


KRISTIN COOPER

Sworn to before me this
5TH day of September, 2008.


Notary Public

LORETTA D'ANNA
NOTARY PUBLIC STATE OF NEW YORK
NASSAU COUNTY
LIC. #01DA6033910
COMM. EXP. DEC. 6. 2024

